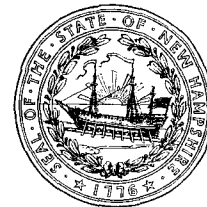




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

August 22, 2005

Mr. Joseph Romano, President  
Franklin Business Center  
20 Canal Street  
Franklin, New Hampshire 03235

**CERTIFIED MAIL(7099 3400 0018 1290 1561)**  
**RETURN RECEIPT REQUESTED**  
**LETTER OF DEFICIENCY**  
**No. ARD 2005-13**

Dear Mr. Romano:

On April 6, 2005, The New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted an inspection at the Franklin Business Center ("FBC"). The inspection was conducted to determine FBC's compliance status against its State Permit to Operate No. PO-B-2004 ("the Permit") issued on August 3, 1999, and Env-A 100 *et. seq.*

This Letter of Deficiency ("LOD") is being sent to formally notify you of the deficiencies identified during the inspection. The deficiencies are as follows:

1. Env-A 608.10 (b) requires the owner or operator of any stationary source or device to submit a complete permit application for a permit renewal at least 90 days prior to the designated expiration date of the existing state permit to operate. On February 25, 2004, DES sent FBC a letter which stated that the Permit was due to expire on August 31, 2004 and that a renewal application was required to be submitted at least 90 days prior to the expiration date of the permit.

During the April 6, 2005 inspection, DES completed most of the ARD-2 permit application form for FBC and requested that FBC complete the sections on stack information and combustion type. DES also requested that FBC complete the ARD-1 permit application form and submit it to DES.

On April 14, 2005, DES left a voice mail message for Jen Furlow, Facility Manager, requesting that she submit the completed ARD-1 and ARD-2 application forms which are required for the permit renewal application. Six similar phone conversations/voice mails were made between April 18 and May 12, 2005.

On May 11, 2005, DES received an incomplete application packet from FBC. Section III of the ARD-1 form was not completed and the support data, specifically a to-scale site plan of the facility was not included. In addition, the ARD-2 form was missing the stack information and combustion type. A signed affidavit for property ownership was not included along with the application. On May 13, 2005, DES sent Ms. Furlow an e-mail requesting that she sign the affidavit and return to DES. As of the date of this LOD, a completed ARD-1 or ARD-2 form and a signed affidavit has not been received by DES.

2. Env-A 705.01 and Condition VI.A of the Permit require FBC to submit emission-based fees. FBC has not paid its emission-based fees for calendar years 2002, 2003 and 2004.
3. Env-A 902.01 (a) and Condition VII.A of the Permit require FBC to maintain fuel delivery records and fuel delivery receipts. FBC has not maintained fuel delivery receipts for calendar years 2000, 2001, 2002, 2003 and 2004.

4. Env-A 903.03 (a) (3) and Condition VII.C. of the Permit require FBC to record the monthly consumption of #2 fuel oil, hours of operation, and sulfur content as percent sulfur by weight of #2 fuel oil. FBC has not maintained fuel consumption records, hours of operation, or fuel sulfur concentrations.
5. Env-A 907.01 (a) and Condition VIII.A.1 of the Permit require FBC to submit annual emission reports. FBC has not submitted annual emissions reports for calendar years 2002, 2003 and 2004.

DES believes that the above-referenced deficiencies can be resolved by FBC taking the following actions:

1. Within 15 days of the date of issuance of this Letter of Deficiency, submit complete and accurate ARD-1 and ARD-2 forms to DES.
2. Within 30 days of the date of issuance of this Letter of Deficiency, submit annual emission reports for calendar years 2002, 2003 and 2004 and submit the corresponding emission-based fees for calendar years 2002 (\$70.80 per ton), 2003 (\$85.37 per ton) and 2004 (\$86.75 per ton).

In the event that FBC fails to resolve the deficiencies noted above and within the time periods indicated, DES may initiate further action against FBC, including issuing an order requiring the deficiencies to be corrected, imposing administrative fines, and/or referring this matter to the NH Department of Justice.

Please address all information to David Degler, at the following address:

NHDES Air Resources Division  
Compliance Bureau  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

Please be advised that DES will continue to monitor FBC's compliance status and that this letter does not provide relief against any other existing or future deficiencies. It is important that FBC be aware of and complies with all the requirements in its expired Permit until such time that a complete application is submitted and a new permit is issued.

Please feel free to contact DES should you have any questions regarding compliance with Env-A 100 *et seq.*, The NH Administrative Rules or the calculation of emission-based fees. A current copy of the rules can be obtained from the DES website at [www.des.state.nh.us/rules/air.htm](http://www.des.state.nh.us/rules/air.htm) or by contacting the Public Information Center at (603) 271-2975. If you have any questions regarding this matter, please contact David Degler at (603) 271-0537.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

cc: R. Kurowski, EPA Region 1  
G. Hamel, DES Legal Unit